

## ODMH Forensic Manual (2013)

### Glossary

Absent with Leave (AWL) - A situation that occurs when permission has been granted for an individual's authorized leave and is within the guidelines of a hospital, institution or agency.

Absent Without Leave (AWOL) - A situation that occurs when an individual's departure or elopement from a hospital, institution or agency has occurred without required consent or approval.

ADAMHS Board - Alcohol, Drug Addiction and Mental Health Services Board is the body constituted according to section [340.02](#) of the Revised Code, has its duties described in section [340.03](#), and has the same meaning as a Community Mental Health Board for the purpose of this Manual.

Adult Parole Authority (APA) - An entity that may be responsible, by Court order, for an inmate who is released from prison before an expired sentence. There are usually conditions present that the individual agrees to abide by in order for the release to occur, and the individual is under the supervision of a parole officer (PO) after leaving the prison.

Affidavit - A written statement taken or made under an oath before an officer of the Court, or a notary public, or other person who has been duly authorized to so act.

Arraignment - The step in the Criminal Court process wherein the defendant is formally charged with an offense.

Capias - A warrant for arrest.

Case Management Services - Services provided to assist a person in gaining access to needed medical, social, educational and other supports that are essential to meeting basic human needs. Major components of the service include coordinating assessments, treatment planning, crisis assistance, referral and linkage to community resources, advocacy, and monitoring of adjustment and service needs. Case Management is generally provided by a case manager or a team of mental health service providers. The involvement of the client, family member(s) and/or significant others in the treatment process is encouraged. Also referred to as Community Psychiatric Supportive Treatment Service.

CBCF - Community Based Correctional Facility. A secure facility used to house offenders eligible for a local prison diversionary program. Many of these facilities provide specialized treatment programs and are usually operated by one large county or several small counties.

CCO - The Chief Clinical Officer is the Medical Director of an ODMH RPH.

CCOE - Coordinating Center of Excellence is an organization established by ODMH to promote the adoption of evidence-based practices in the treatment of persons with mental illness, such as

dual diagnosis integrated treatment and crisis intervention teams (law enforcement and mental health).

CEO - The Chief Executive Officer is the Executive Director of an ODMH RPH.

Certificate of Parole - A certificate that is issued by the Adult Parole Authority (APA) to an institution that allows them to release an inmate on shock parole or parole. The certificate will be inclusive of the following information: the parolee's name and institutional number; parole on or after date (i.e., date set by the parole board, on which an inmate can be released; the inmate can leave on that date or any time after, providing the inmate has an approved parole placement); release date(s); reporting instructions; and special conditions.

CMH Board - see ADAMHS Board.

Community Forensic Monitor - A person, agency or entity designated by the Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board or Community Mental Health (CMH) Board to monitor Not Guilty by Reason of Insanity (NGRI) acquittees and Incompetent to Stand Trial—Unrestorable—Criminal Court Jurisdiction (IST-U-CJ) defendants on conditional release commitment (R.C. 2945.402). See R.C. [5119.57](#).

Community Forensic Psychiatry Center - A community agency that provides forensic evaluation services for the local Court system and the ODMH RPHs. Each community forensic center is certified as a mental health agency to provide forensic evaluation services. (Also called Community Forensic Psychiatric Centers as described in section [5122-32-01](#) of the Ohio Administrative Code.)

Community Mental Health Agency/Provider - Any agency, program, or facility with which an Alcohol, Drug Addiction and Mental Health Services (ADAMHS) Board or Community Mental Health (CMH) Board contracts to provide services listed in section [340.09](#) of the Revised Code

Competency to Stand Trial - A defendant is presumed to be competent to stand trial unless it is proved by a preponderance of the evidence that because of the defendant's present mental condition, the defendant is incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense (R.C. [2945.37](#)).

Competency Restoration Services - Treatment services provided to an individual who has been found by the Court to be incompetent to stand trial. The treatment is focused on restoring the individual's competency to stand trial. Competency Restoration Services can be provided on an inpatient or outpatient basis.

Conditional Release - A commitment status that has been ordered by the Criminal Court when the Court determines that the community is the least restrictive placement alternative that is appropriate for the individual. Persons who are committed as Not Guilty by Reason of Insanity or Incompetent to Stand Trial—Unrestorable—Criminal Court Jurisdiction are subject to placement on Conditional Release Commitment, pursuant to section [2945.402\(A\)](#) of the Revised Code.

Conditional Release Plan - A plan that is developed with input from the community treatment agency representative, the Community Forensic Monitor, the Criminal Court, the defendant or individual, and RPH staff, as applicable. The conditional release plan indicates the conditions that the defendant or person agrees to abide by while on conditional release commitment. The court may set any conditions of the release with respect to the treatment, evaluation, counseling, or control of the defendant or person that the court considers necessary to protect public safety and the welfare of the defendant or person.

Convey - To provide escort and transportation, usually by law enforcement personnel.

County of Committing Court - The county where the criminal charges were filed.

County of Legal Residence - The county of the person's usual residence (R.C. [5122.01\[S\]](#)).

County of Service Provision - A county other than the county of the committing court or the county of legal residence where a person may be receiving mental health services. Generally, this would be applicable to persons on conditional release commitment.

Court Day/Working Day - Means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday.

Court Order/Journal Entry - A written declaration by the court that orders something to occur or memorializes a court event that has taken place. Generally, a journal entry includes a case number, the defendant's name, date of hearing, charge, degree of the offense, statute number, the parties involved, and the finding of the Court.

Criminal Courts - The Ohio Constitution provides for the establishment of Common Pleas Courts in each of Ohio's counties. Common Pleas Courts have jurisdiction in felony cases. The Ohio Revised Code gives "inferior" Courts such as Municipal, County, or Mayor's Courts jurisdiction in misdemeanor cases.

CSN - Community Support Network programs, previously known as State Operated Services (SOS). CSN staff provide community mental health services in various settings in the community and contract with an ADAMHS or CMH Board to provide these services.

Defendant - A person accused of having committed a crime.

Detainer/Holder - A request from law enforcement to detain/hold an individual until the individual can be returned to the custody of law enforcement.

Examiner - Pursuant to section [2945.37\(A\)\(2\)](#) of the Revised Code, one of the following: A psychiatrist or a licensed clinical psychologist who satisfies the criteria of division (I)(1) of section 5122.01 of the Revised Code or is employed by a certified forensic center designated by the Department of Mental Health to conduct examinations or evaluations; or for purposes of a separate mental retardation evaluation that is ordered by a court pursuant to division (H) of

section 2945.371 of the Revised Code, a psychologist designated by the director of the Department of Developmental Disabilities pursuant to that section to conduct that separate mental retardation evaluation.

Ex-Post Facto - A legal term that means after the fact. This usually indicates that a law cannot change and inflict a greater punishment or apply different criteria other than the law required at the time of the commission of the offense.

Felony - A major offense for which the Revised Code provides a punishment of six months or greater of incarceration.

Forensic Evaluation Service - An evaluation conducted by a qualified professional that results in a written expert opinion of an individual who has been referred by a Criminal Court, Domestic Relations Court, Juvenile Court, Adult Parole Authority, or other agency of the Criminal Justice System. Forensic Evaluation Service includes all related case consultation and expert testimony. These services provide assistance to the Court, RPHs, community mental health agencies and other providers in addressing mental health legal issues. See Ohio Administrative Code [5122-29-07](#).

Forensic Monitor - See Community Forensic Monitor.

Forensic Review Team - (FRT) An Ohio Department of Mental Health RPH team appointed by the Chief Clinical Officer (CCO)/Designee. The team shall include a psychiatrist or psychologist who has clinical expertise and forensic experience and is not involved in the treatment of the patient being evaluated, and may include the RPH Legal Assurance Administrator/designee. Other staff may be assigned to the FRT as determined by the CCO. Refer to MF-04, Movement Policy, for more details concerning the FRT.

Grand Jury - A jury of people who convene in private to evaluate accusations against persons charged with a crime and determine whether an indictment is warranted.

Hearing - A procedure wherein evidence is taken for the purpose of determining an issue of fact and reaching a decision on the basis of that evidence.

High Profile Patient - This term includes any patient who has been charged with or convicted of one of the following crimes or who falls under the following criterion: criminal homicide (aggravated murder or murder); felony sexual offenses (rape); other felony offenses against public officials or law enforcement officers; or the patient's offense has generated extensive media coverage.

Incident - Any event that poses a danger to the health and safety of persons served and/or staff of the facility, institution or agency, and is not consistent with routine care.

Indictment - A formal written accusation charging one or more persons with the commission of a crime. It is presented by a grand jury to the Court when the jury has found, after examining the evidence presented, that there is a valid case for prosecution.

Indigent (Person) - An individual who has been determined (following an investigation by the Court, its designated authority, or the Ohio Department of Mental Health Reimbursement Services) to be a financially destitute or needy person. For legal matters, one who is entitled to the appointment of legal counsel at public expense.

Inmate - A person confined in a prison, community-based correctional facility, jail or workhouse.

Inpatient Service - Refers to residence and treatment provided in a psychiatric facility or Regional Psychiatric Hospital, or a unit licensed by ODMH in accordance with section [5119.20](#) of the Revised Code.

Insanity - A person is not guilty by reason of insanity relative to a charge of an offense only if the person proves, in the manner specified in sections [2901.01\(A\)\(14\)](#) and [2901.05](#) of the Revised Code, that at the time of the commission of the offense, that the person did not know, as a result of a severe mental disease or defect, the wrongfulness of the person's acts. (R.C. [2945.371\[G\]\(4\)](#)).

IST-R - Designates a legal status used commonly to indicate a defendant who has been found by a court to be Incompetent to Stand Trial—Restorable and committed pursuant to section [2945.38\(B\)](#) of the Revised Code as Incompetent to Stand Trial for Restoration Treatment.

IST-U - Designates a legal status used commonly to indicate a defendant who has been found to be Incompetent to Stand Trial—Unrestorable, committed pursuant to section [2945.38\(H\)\(4\)](#) of the Ohio Revised Code as Incompetent to Stand Trial—Unrestorable, and is under Probate Court Jurisdiction.

IST-U-CJ - Designates a legal status used commonly to indicate a defendant who has been committed pursuant to Section [2945.39\(A\)\(2\)](#) of the Revised Code as Incompetent to Stand Trial—Unrestorable—Criminal Court Jurisdiction, and remains under the jurisdiction of the Criminal Court.

Jail - A building for the confinement of people who are awaiting trial or who have been convicted of misdemeanor or lesser level felony offenses.

Journal Entry – (See Court Order)

Judgment - The determination of a Court upon a matter submitted to it.

Jurisdiction - The right of a Court to hear a case, which is limited by geographical boundaries, the nature of the case, and statutory authority.

Least Restrictive Environment - In determining placement alternatives, the Court shall consider the extent to which the person is a danger to the person and to others, the need for security, and the type of crime involved and shall order the least restrictive alternative available that is

consistent with public safety and treatment goals. In weighing these factors, the Court shall give preference to protecting public safety for forensic patients.

Legal Assurance Administrator (LAA) - Each Ohio Department of Mental Health (ODMH) RPH has a staff person designated as Legal Assurance Administrator. The LAA acts as a representative of the RPH when working with the Courts, attorneys, ODMH and other mental health and criminal justice agencies regarding forensic patients. The LAA frequently provides the link and coordination between the RPH, the community and the court system for forensic patients.

Licensed Clinical Psychologist – Refer to Section [5122.01\(I\)](#) of the Ohio Revised Code.

Maximum Security Psychiatric Facility - The most restrictive care setting for patients who are committed to an Ohio Department of Mental Health hospital. The maximum-security unit is operated in Columbus, Ohio at Twin Valley Behavioral Healthcare (TVBH) and is called the Timothy B. Moritz Forensic Unit. This unit provides treatment services to persons who represent a severe risk of harm to others and to the public.

Mental Illness - A substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life (R.C. [5122.01\(A\)](#)).

Mental Retardation - A condition reflecting below average general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period (R.C. [5123.01\(N\)](#)).

Mentally Ill Person Subject to Hospitalization by Court Order - See Section [5122.01\(B\)](#) of the Revised Code.

Misdemeanor - A minor offense for which the statutes provide a lesser punishment than for a felony; the penalty is usually a fine or imprisonment for six months or less in a jail or workhouse.

Mitigation - In order to establish a frame of reference in a case before a Court, the Court may request the probation department to review the case, criminal record, social history, and the defendant's present condition in order to prepare a presentence report. A psychiatrist or psychologist may be requested to develop a report for the Court. These probation and mental health reports may assist the judge in selecting a less punitive disposition of the case by providing insight into the motives and other conditions that contributed to the criminal behavior.

NGRI - Designates a legal status, and relates to individuals found Not Guilty by Reason of Insanity pursuant to Section [2945.40](#) of the Revised Code.

Nolle Prosequi - A declaration that the plaintiff in a civil case or the prosecutor in a criminal case will drop prosecution of all or part of a suit or indictment.

Nonsecured Status - Any unsupervised, off-grounds movement or trial visit from an RPH or any conditional release, that is granted to a person who is found incompetent to stand trial and is committed pursuant to Section [2945.39](#) of the Revised Code, or to a person who is found not guilty by reason of insanity and is committed pursuant to Section [2945.40](#) of the Revised Code.

ODADAS - Ohio Department of Alcohol and Drug Addiction Services.

ODMH - Ohio Department of Mental Health.

DODD - Ohio Department of Developmental Disabilities

OFS - Office of Forensic Services of the Ohio Department of Mental Health.

ORC - Ohio Revised Code, has the same meaning as RC (Revised Code).

Petition - A formal written request for a certain thing to be done; also an application to a Court or judge, stating the facts and circumstances relied upon as a cause for judicial action, and containing a formal request for relief. The petitioner is the person who presents the formal written request.

Plea Bargain - A negotiated settlement that involves a guilty plea to a reduced charge, and involves a negotiated settlement of a criminal charge or deferred prosecution.

Pre-Hospitalization Screening Service - The assessment of a person's need for psychiatric hospitalization in order to assure that less restrictive alternative placements are considered and used when appropriate. This service may be provided in the person's natural environment or any setting where the need for such an intervention occurs.

Probable Cause - Interpreted as reasonable cause, the matter of having more evidence for than against. A reasonable ground for the belief in the existence of facts warranting the proceedings. The existence of an apparent state of facts whereupon reasonable inquiry it appears the accused has committed the act with which he or she is charged.

Probable Cause Hearing - Process or procedural step in a legal matter in which the judge or magistrate decides whether a complaint should be issued or a person should be bound over to a grand jury on a showing of probable cause.

Probate Court - Probate Court is a division of the Common Pleas Courts that exercises jurisdiction over probating wills, administration of estates, guardianships, and declaring persons mentally ill and in need of hospitalization.

Probation - The suspension of sentence of a person convicted but not yet imprisoned, on condition of continued good behavior and regular reporting to a probation officer. A supervised period of monitoring in the community in lieu of incarceration.

Prosecutor - Refers to a prosecuting attorney or a city director of law, village solicitor, or similar chief legal officer of a municipal corporation who has the authority to prosecute a criminal case that is before the Court.

Psychiatrist - Refer to Section [5122.01\(E\)](#) of the Revised Code.

RC - Revised Code, has the same meaning as Ohio Revised Code (ORC).

Recognizance - A person charged with a crime may be released by the Court based on that person's word that the person will reappear when ordered. The Court may require certain conditions of an individual who is released on this type of bond.

Respondent - The person who answers a Petition.

Risk Assessment - An assessment that is completed on individuals for the purpose of making short-term clinical estimates of violent behavior and identifying static and dynamic risk factors to be addressed in an aggression prevention treatment plan.

RPH – Regional Psychiatric Hospital means the six state hospitals operated by ODMH. A broad array of mental health services are provided in acute and long-term environments and through Community Support Networks (CSNs).

Second Opinion Evaluation - An evaluation that is conducted by the Community Forensic Psychiatry Center prior to the Court granting the first nonsecured level of movement for a defendant who is committed pursuant to R.C. [2945.39\(A\)](#), or a person committed pursuant to R.C. [2945.40](#) to an Ohio Department of Mental Health RPH. A second opinion evaluation occurs after the internal RPH review process and is initiated by the Chief Clinical Officer's recommendation to the Court for an increase in movement level.

Subpoena - A document commanding the attendance of a person in court.

Temporary Order of Detention - An order issued by the court which temporarily detains an individual so that the court can gather additional information and make a decision.

Torts - Intentional or negligent acts directly causing damage to an individual for which civil action can be brought.

Trial Docket Entry - An official entry with respect to a trial through which the Court "speaks."

Trial Visit - A level of movement for a hospitalized patient that refers to an unsupervised stay in the community with an expectation of return to the RPH at designated times.

Unsupervised, off grounds movement - Refers to a patient level of movement which includes off-grounds privileges that are unsupervised and that have an expectation of return to the RPH on a daily basis.

Vacate - To render void, or set aside.

Warrant - A writ or order of a Court authorizing an officer to make an arrest, seizure, or search, or perform some other designated act.

Workhouse - A security institution managed by a county or municipality where misdemeanor offenders are confined and required to work.

Writ of Habeas Corpus - A document to bring the petitioner before a Court to inquire into the legality of the petitioner's confinement.